

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB- 08 -14  
RESOLUTION GRANTING SITE PLAN, USE, DENSITY, PARKING AND BULK  
VARIANCES RELATED TO CONSTRUCTION LOCATED ON BLOCK 53, LOT 1, AND  
BLOCK 51, LOT 12, LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by First Pointe, LLC (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Site Plan, use, height and parking variances approval related to the modification of an existing building on property located at 234 First Street, South Amboy, (Block 53, Lot 1) and a non-contiguous lot for parking vehicles on Block 51, Lot 12, 170 North Broadway (the “Property”); and

WHEREAS, Applicant is the contract-purchaser of Property; and

WHEREAS, the Property is located in the RA (Block 53, Lot 1) and Redevelopment Zones (Block 51, Lot 12); and

WHEREAS, Applicant seeks to convert the existing vacant industrial building into a multi-family apartment building with 12 1-BR units, which will include certain use, height, density and parking and bulk variances (the “Application”); and

WHEREAS, the Application seeks a use variance to allow a multi-family building; and

WHEREAS, the Applicant seeks a variance for density, where 8.8 units per acre is permitted and 94.2 units per acre is proposed; and

WHEREAS, the Application requires a variance for parking, where 22 off-street parking spaces is required and 9 parking spaces are proposed; and

WHEREAS, the Application requires a variance for height, which at 49.5 feet exceeds the permitted height by more than ten (10) percent; and

WHEREAS, the Application requires variances for pre-existing nonconformities relating to front yard setbacks, number of stories, lot coverage and impervious coverage; and

WHEREAS, the Application requires a use variance to permit the use of Block 51 Lot 12 as an accessory parking lot for Block 53, Lot 1; and

WHEREAS, the Applicant was represented by Allen Weiss, Esq.; and

WHEREAS, the Planning Board held a public hearing on April 30, 2014 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, during the hearing the Applicant amended and revised the Application to be for 10 residential units in the building rather than 12 units as originally set forth in the Application; and

WHEREAS, the Applicant presented the testimony of Greg Oman, P.E.; John Rea, P.E.; Michael Testa, Architect; Chrstine Cofone, P.P. ; and Seth Yaroni; and

WHEREAS, the Board has made the following findings of fact:

1. Applicant seeks use, density, height, parking and bulk variances to permit the conversion of an existing, vacant three story industrial building into a multi-family building with 10 studio apartments, and to permit the use of a non-contiguous lot for accessory parking for the residential units.
2. During the hearings, the Applicant's attorney Allen Weiss, Esq. acknowledged receipt of the review letter of the Board's Planner, Angelo J. Valetutto, dated April 23, 2014.
3. During the hearings the Applicant presented the testimony of Gregory Oman, a professional engineer, who was accepted as an expert in architecture by the Board.

4. Mr. Oman testified as to Exhibit A-1, the site plan submitted as part of the Application overlaid on top of an aerial photograph.
5. Mr. Oman testified that the original Application sought to convert the existing and vacant warehouse to 12 studio apartments, and recondition the façade of the building. He further testified that the existing loading dock door will be eliminated.
6. Mr. Oman testified that the plans for Block 51, Lot 12 were to pave almost the entire area for 9 parking stalls to be used by residents of the building.
7. Mr. Oman testified that the Applicant was willing to comply with all of the comments contained in the April 23, 2014 report by Angelo Valetutto, P.E., P.P.
8. The Applicant presented the testimony of John Rea, a traffic engineer who was accepted as an expert in the field of traffic engineering by the Board.
9. Mr. Rea testified as to his opinion of the parking requirements for the proposal of 12 studio apartments at the Property.
10. Based on his experience, Mr. Rea testified that in his opinion the type and size of proposed apartments would generate the need for approximately 1.25 parking spaces per unit, which would translate into the need for approximately 15 parking spaces for 12 units.
11. Mr. Rea testified that the nine proposed parking spaces on Lot 12 would be assigned to individual apartment residents, leaving the need for approximately 6 off-site parking spaces. Mr. Rea canvassed the vicinity several times and observed that there were sufficient open and available spaces to accommodate the need for the six additional off-site parking spaces.
12. Mr. Rea testified that any other potential re-use of the existing building would generate a far greater parking demand for the area.
13. During the hearing the Applicant presented the testimony of Michael Testa, a licensed Architect who was accepted as an expert in the field of architecture by the Board.
14. Mr. Testa testified as to Exhibit A-2, a colored rendering of the building.
15. Mr. Testa testified about the existing structure. He further testified about the proposed floor plans. He testified that the studio apartments would range from approximately 390 to 494 square feet in size. He testified that the units on the first floor will have loft areas, but the second floor units will not. Mr. Testa further testified that the Applicant will supply laundry facilities in the basement.

16. During the hearings, the Applicant presented the testimony of Christine Cofone, a licensed Professional Planner, who was accepted as an expert in the field of Planning by the Board.
17. Ms. Cofone testified about the existing building, its prior uses and proposed conversion.
18. Ms. Cofone testified that a Use Variance was required to utilize the existing building as a multi-family residential building. She further testified that a use variance was required to utilize the separate Lot 12 as residential parking for property in a separate zone, where parking lots are not a principal permitted use in the zone.
19. Ms. Cofone testified that the existing building is located near the train station and within walking distance of the downtown, and in her opinion it is far better planning to utilize the building for residential than commercial.
20. Ms. Cofone testified that the parking deficiency is relatively small and would have only a minor impact on the parking situation in the area. She testified that in her opinion the benefits outweigh the minor detriment of parking deficiency.
21. Ms. Cofone testified that there were at least four special reasons justifying grant of the variance. The special reasons include providing sufficient space in appropriate locations and providing a desirable visual environment, by utilizing the existing architecture.
22. Ms. Cofone testified that preventing urban sprawl and degradation of the environment is also a special reason because the building is close to mass transit. She further testified that the re-purposing / reuse of the building is an efficient use of the land and an additional special reason for the grant of the use variances.
23. Ms. Cofone testified that the bulk variances associated with the existing building are pre-existing and would be required regardless of the intended use. There are several bulk variances associated with the parking lot, 88 feet in depth while 100 feet is required. This is an existing condition. As originally presented there is a need for a variance as to the size of the parking spaces.
24. Mr. Rea testified that the Applicant could amend the parking stall sizes for four of the spaces to be nine feet wide, which Mr. Valetutto stated would be acceptable.
25. The Applicant, Seth Yaroni, testified that the obligation to use the spaces on the lot would be enforced with signage and lease provisions requiring use of the spaces.

26. The Applicant agreed to the condition that both lots must always stay in common ownership and that all leases of units with assigned parking spaces will contain a provision requiring the tenant to park his/her car in the assigned space.
27. The Applicant amended the Application to be for 10 residential units in the building rather than 12 units. The units on the second story would be larger studio units.
28. Several members of the public testified that there was difficulty parking the vicinity of the building.

WHEREAS, the Board has made the following conclusions:

1. The Applicant has adequately demonstrated special reasons for the issuance of the requested density variance to permit 10 units within the existing structure located on Block 53, Lot 1.
2. The Applicant has demonstrated that that issuance of the requested density variance will not result in a substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
3. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested density variance is not granted.
4. The Applicant has demonstrated special reasons for the issuance of the requested use variances associated with the 10-unit multi-family residential building and the use of the non-contiguous lot for parking associated with the multi-unit residential structure.
5. The Applicant has demonstrate that that issuance of the requested use variances will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
6. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested use variances are not granted.
7. The Applicant has demonstrated special reasons for the issuance of the requested height variance.
8. The Applicant has demonstrated that that issuance of the requested height variance will not result in a substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

9. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested height variance is not granted.
10. The Applicant has demonstrated that that issuance of the requested parking variance will not result in a substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
11. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested parking variance is not granted.

NOW, Therefore Be It Resolved by the Planning Board in the City of South Amboy in the County of Middlesex and State of New Jersey on this 28th day of May, 2014 the Preliminary and Final Site Plan, and the use, height, density and parking variances are hereby GRANTED and the Application of the Applicant is hereby GRANTED as amended during the hearing of April 30, 2014 subject to the following conditions:

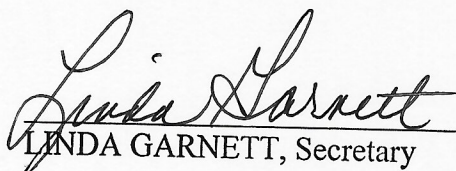
1. Submission, and approval by the Board's engineer, of revised plans in accordance with testimony presented by the Applicant regarding parking, floor plans and removal of the loading dock.
2. The Applicant shall seek approval from the City of South Amboy to utilize the area adjacent to the existing loading dock as a loading zone if a space cannot be located on the site after removal of the loading dock.
3. Block 51, Lot 12 and Block 53, Lot 1 shall remain in common ownership, which condition shall be a Deed Restriction which shall be reviewed and approved by the Board's counsel.
4. The building on Block 53, Lot 1 shall contain only ten studio apartments.
5. The leases for the nine units in Block 53, Lot 1 which have an assigned parking space shall require the tenant to utilize the assigned off-street parking space.

6. The Property will be maintained in conformance with the property maintenance regulations.
7. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by or an exemption letter from the Middlesex County Planning Board.
8. Each and all other applicable approvals, if any, required by law or statute or regulation.
9. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on February 26, 2014.
11. All other matters set forth above, and/or incorporated herein.
12. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
13. Payment of all sums now and/or hereafter due for application fees and/or escrows.
14. The Applicant shall publish a brief notice of this determination in an official newspaper of the municipality within twenty (20) days of the date of receipt of a copy of this resolution by the Applicant, and the Applicant shall furnish, to the Planning Board Secretary, an Affidavit of Publication by said newspaper.

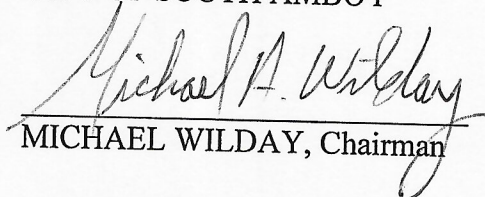
Be it Further Resolved that,

1. This Resolution shall take effect as provided by law.

ATTEST:

  
LINDA GARNETT, Secretary

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
MICHAEL WILDAY, Chairman

**CERTIFICATION**

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on May 28th, 2014 at a duly convened meeting.

DATE:

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Linda Garnett, Secretary